

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HARTFORD INSURANCE COMPANY,

Plaintiff,

Case Number 04-10314-BC

v.

CONSOLIDATED CASES

RICHARD MILLER, SR. and VIRGINIA
MILLER,

Defendants.

-and-

RICHARD MILLER, SR., and VIRGINIA
MILLER,

Plaintiffs,

Case Number 05-10092-BC

v.

HARTFORD INSURANCE COMPANY,

Defendant.

_____ /

**ORDER DENYING PLAINTIFF HARTFORD
INSURANCE COMPANY'S MOTION TO QUASH**

This matter is before the Court on the plaintiff Hartford Insurance Company's motion to quash the subpoena issued by defendants Richard and Virginia Miller purporting to require one of Hartford's employees to be present for a deposition in Indian Fields, Michigan. Hartford states that the subpoena violates the Federal Rules of Civil Procedure because it was not served on the employee, the employee is not a party to the instant lawsuit, and the employee does not conduct business within 100 miles of Indian River.

E.D. Mich. LR 7.1(a) requires a movant to seek concurrence in the relief requested before filing a motion with this Court. If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that “there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference.” E.D. Mich. LR 7.1(a)(2).

Hartford does not state in its motion that concurrence was sought in the relief requested from the defendants before filing the motion. “It is not up to the Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). Hartford has filed its motion in violation of the applicable rules.

Accordingly, it is **ORDERED** that the plaintiff’s motion to quash [04-10314 dkt # 15] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson
 DAVID M. LAWSON
 United States District Judge

Dated: June 15, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 15, 2005.

s/Tracy A. Jacobs